

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

I. Claim Amendments

Claims 1 and 29 have been amended herein to include the features of claims 63 and 64, respectively.

II. Claim Rejections - 35 USC § 102 and § 103

Claims 1-12, 14-24, 29-41, 44-58 and 63-64 stand rejected under 35 USC §103(a) based on U.S. Patent Publication No. 2003/0008636 to *McGregor et al.* (hereinafter *McGregor*) in view of U.S. Patent No. 6,157,824 to *Bailey*, U.S. Patent No. 4,951,308 to *Bishop et al.* (hereinafter *Bishop*), U.S. Patent Publication No. 2003/0195825 to *Ehrman et al.* (hereinafter *Ehrman*), U.S. Patent No. 6,114,960 to *Hymel*, U.S. Patent No. 5,266,922 to *Smith et al.* (hereinafter *Smith*), U.S. Patent No. 5,455,560 to *Owen*, and/or U.K. Patent Publication No. 2,278,758 to *Rautila*. Withdrawal of the rejections is respectfully requested for at least the following reasons.

A. Claim 42

It is noted that claim 42 is indicated as being rejected on the Office Action Summary page, but no mention is made within the body of the Office Action on the basis for the rejection. Accordingly, it is respectfully requested that the Examiner indicate whether or not claim 42 is actually rejected and, if so, the basis for such rejection.

B. The Proposed Combination Does Not Yield the Claimed Invention

Independent claims 1 and 29 have been amended herein to include the features of claims 63 and 64, respectively. Claim 1 now recites a method of securely allocating mobile devices, wherein a host computer accepts as an input an identification code that uniquely identifies at least one user. Based on the identification code, the host computer selectively places a mobile device among the plurality of mobile devices in an operative state, and customizes operation of the selected mobile device to preset preferences of the at least one user, wherein customizing includes *configuring keys of the mobile device to preset functional preferences of the at least one user*. Claim 29 now recites a mobile device allocation system that includes a host computer and a plurality of mobile devices, wherein the host computer is operative to customize

operation of the selected mobile device to preset preferences of at least one user such that *keys of the mobile device are configured to preset functional preferences of the at least one user.*

In the present Office Action, claims 63 and 64 (now claims 1 and 29, respectively), stand rejected as being unpatentable over *McGregor* in view of *Bailey* in further view of *Rautila*. More specifically, the Examiner admits that *McGregor* and *Bailey* are silent on teaching configuring the keys based on the user's preferences, but contends that *Rautila* teaches configuring keys of a mobile communication device based on user's preferences, and that it would have been obvious to combine *Rautila* with *McGregor* and *Bailey* so as to render the claims unpatentable. Applicants respectfully disagree with the Examiner for at least the following reasons.

Rautila discloses a user interface for a telephone, wherein assignment of arrow keys of the telephone is determined in each usage situation on the basis of the arrow key first pressed. Specifically, the first actuation of an arrow key, regardless of the direction indicated by the arrow, always scrolls the menu forwards.¹

For example, if the down arrow key is the first arrow key pressed after entering the scrollable menu, then the down arrow key is assigned as the forward direction arrow key. Once the forward direction arrow key has been defined, then the backward direction arrow key can be automatically defined (e.g., the up arrow key is automatically defined as the backward direction arrow key in the present scenario).

Further, the arrow keys are defined (or redefined) each time a scrollable menu is accessed. This is evident from Fig. 3 of *Rautila*, which shows an entry into the flow chart whenever a menu key is pressed. Thus, for example, if a scrollable menu is accessed after the down arrow key was previously defined as the forward direction arrow key, and then the first arrow key pressed is the up arrow key, the up arrow key now is defined as the forward direction arrow key for the present scrollable menu session, and the down arrow key is automatically defined as the backward direction arrow key.

As is evident from the above, the method and device disclosed in *Rautila* require that the user already have the telephone in hand, powered up and in use. Then, each time a menu key is pressed, the arrow keys are defined based on which arrow key is first pressed.

¹ See page 3, second full paragraph of *Rautila*

Thus, combining *Rautila*, *Bailey* and *McGregor* would result in a device and/or system wherein arrow keys of a mobile telephone are configured after the mobile telephone is in use (i.e., after it has been deployed to a user). Moreover, the configuration is performed by the user through the act of selecting the arrow keys. Therefore, the combination of *Rautila*, *Bailey* and *McGregor* would not result in a host computer configuring keys of the mobile device to preset functional preference of the user.

C. The System of Bailey Does Not Utilize a Keypad

Bailey pertains to a method and apparatus for accessing and paying for the usage of a rented mobile communications device found in automobiles. More specifically, *Bailey* discloses an apparatus and method that utilizes a short range “access transmission device” (e.g., a proximity key chain) to communicate with a communication device of a vehicle (e.g., an RF receiving unit located in the vehicle).² Further, the access transmission device stores certain information about the user, such as language preference for utilizing the communication device and other pertinent user data, which can be transferred to the receiving unit.³

While *Bailey* does teach that “other user data” can be transferred from the access transmission device to the vehicle receiving unit, such other user data is disclosed as voice recognition phonemes and frequently dialed phone numbers selectable by voice recognition (e.g., by speaking the called party’s name).⁴ Clearly absent in *Bailey* is any mention that the user data can include data for configuring keys of a keypad. This is because the invention of *Bailey* is concerned with keyless voice communication systems.

Bailey expressly teaches that vehicle-based mobile communications devices (which are the type of devices utilized with the invention of *Bailey*) are moving away from handsets and touch keypads. Instead of handsets and keypads, *Bailey* discloses that microphones and speakers integrated within the vehicle are taking their place.⁵ Hence, without keypads there is no need to include data pertaining to keypad configuration in the system of *Bailey*.

² See column 2, lines 8-21 and column 1, lines 6-9 of *Bailey*

³ See, e.g., column 2, lines 29-31 of *Bailey*.

⁴ See column 3, lines 1-8 of *Bailey*

⁵ See column 1, lines 53-62 of *Bailey*

Accordingly, the combination of *Rautila*, *Bailey* and *McGregor* does not teach allocating mobile devices to at least one user, wherein a host computer customizes operation of a selected mobile device to preset preferences of the at least one user, wherein customizing includes configuring keys of the mobile device to preset functional preferences of the at least one user. The remaining art to *Bishop*, *Ehrman*, *Hymel*, *Smith* and *Owen* have not been found to make up for the above deficiencies of *McGregor*, *Bailey* and *Rautila*.

Accordingly, withdrawal of the rejection of claims 1 and 29 is respectfully requested.

The remaining pending claims directly or indirectly depend from claim 1 or 29 and, thus, are distinguishable over the cited art for at least the same reasons.

III. Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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